

1000 (22) PTO

19 SEP 2005

PATENT  
MOS01 P-122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application Serial No. : 10/526,795 Confirmation No.: 7394  
U.S. Filing Date : 07 March 2005  
International Application No. : PCT/EP03/09522  
International Filing Date : 28 August 2003  
Applicants : Hermann Franzen and Joachim Kröll  
For : LIFTING DEVICE FOR CONTAINERS  
Attorney Docket No. : MOS01 P-122  
Customer No. : 28101

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUBMITTAL OF ENGLISH TRANSLATION OF**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT MADE BY THE**  
**INTERNATIONAL BUREAU OF WIPO**

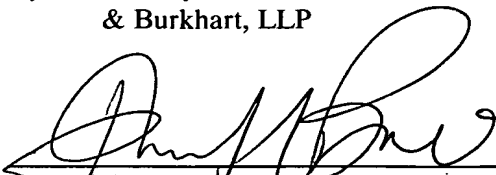
Enclosed is an English language translation of the International Preliminary Examination Report made by the International Bureau of WIPO. Please enter this document into the file of the above-identified pending United States patent application.

Respectfully submitted,

HERMANN FRANZEN and  
JOACHIM KRÖLL

By: Van Dyke, Gardner, Linn  
& Burkhardt, LLP

Dated: September 14, 2005.

  
Frederick S. Burkhardt  
Registration No. 29 288  
2851 Charlevoix Drive, S.E., Suite 207  
Post Office Box 888695  
Grand Rapids, Michigan 49588-8695  
(616) 988-4104

FSB:djr  
MOS01 P-122  
Enclosure

Translation

PATENT COOPERATION TREATY

PCT/EP2003/009522



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P13511WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/009522	International filing date (day/month/year) 28 August 2003 (28.08.2003)	Priority date (day/month/year) 13 September 2002 (13.09.2002)
International Patent Classification (IPC) or national classification and IPC B66C 19/00		
Applicant GOTTWALD PORT TECHNOLOGY GMBH		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>2</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 16 January 2004 (16.01.2004)	Date of completion of this report 19 April 2004 (19.04.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009522

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-9, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1-5, filed with the letter of 16 January 2004 (16.01.2004)
- ☒ the drawings:  
 pages 1/6-6/6, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/09522

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

## 2. Citations and explanations

## 1. Novelty and inventive step

- 1.1 In the wording of a clarified current independent claim 1 (clarifications in bold type), DE-A-3416284 (D1) shows in figures 1 and 8a (*optional features are indicated in italics (PCT International Preliminary Examination Guidelines, Chapter III, paragraph 4.6))*,  
a lifting device (1) for containers (see page 8, line 4), *especially ISO containers which can be handled using container handling devices*,  
having at least one hydraulic cylinder (5) which is disposed on a supporting frame (2) and has a piston and a piston rod (30), the longitudinal displacement of which is converted into a synchronous upward and downward movement of at least **two** mutually spaced apart horizontal guide cross-members (4, designation from figure 1; see also the embodiment in figure 8a with only one drive cylinder for the whole lifting mechanism), which are connected to a load-receiving means (e.g. hooks or twist locks) for containers, said guide cross-members (4) being guided at both ends on vertical supports of the supporting frame (2) **for the purpose of raising and lowering the**

container.

The subject matter of an independent claim of this kind is novel and satisfies the requirements of PCT Article 33(1) and (2).

- 1.2 The distinguishing technical features correspond to the characterising part, that is to say:  
The longitudinal displacement is converted into the upward and downward movement by means of elbow levers which are pivotably mounted on the supporting frame and each of which has two lever arms, one lever arm of one of the elbow levers being connected to the piston rod and the other lever arm of said elbow lever being connected to one of the guide cross members.
- 1.3 The technical effects can be summarised as follows:  
Alternative lifting mechanism with less play and elongation of the chains or cables; as a result, improved transfer of force to the supporting frame.
- 1.4 The objective technical problem can therefore be worded as follows:  
Improvement of the drive design of a lifting device of this kind.

GB-A-975154 shows a lifting platform without elbow levers and without vertical guides.

EP-A-0763497 does not show a lifting cylinder for vertical movement.

The claimed subject matter is therefore neither shown nor anticipated by any of the available

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/09522

documents. A claim of this kind satisfies the requirements of PCT Article 33(1) and (3).

- 1.5 The invention is industrially applicable in that it can be used in the handling of containers (PCT Article 33(4)).
- 1.6 Dependent claims 2 to 5 therefore likewise satisfy the requirements of PCT Article 33 (PCT International Preliminary Examination Guidelines, Chapter IV, paragraph 8.10).
- 1.7 Pursuant to the requirements of PCT Rule 5.1(a)(ii), D1 should have been cited in the description and its relevant content briefly outlined therein.